

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

STATE OF TEXAS, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	2:21-CV-229-Z
	§	
XAVIER BECERRA, in his official capacity	§	
as Secretary of the United States Department	§	
of Health and Human Services, <i>et al.</i> ,	§	
	§	
Defendants.	§	


ORDER

On December 3, 2021, this Court granted Defendants’ Motion to Stay Proceedings and ordered both parties to immediately notify the Court of an “Intervening Court Action.” ECF No. 43 at 2. Plaintiffs have notified the Court of the Fifth Circuit’s recent emergency stay decision. *See* ECF No. 49; *Louisiana v. Becerra*, — F.Supp.3d —, No. 21-30734 (5th Cir. Dec. 15, 2021). In its decision, the Fifth Circuit limited the reach of the Western District of Louisiana nationwide preliminary injunction of the CMS Mandate to the “14 Plaintiff States” directly involved in that litigation. *Louisiana*, No. 21-30734 at 5-6. Therefore, the United States is no longer enjoined from enforcing the CMS Vaccine Mandate against healthcare providers and suppliers in the State of Texas. This qualifies as an Intervening Court Action as contemplated by the Court in its previous order staying this litigation.

Therefore, the Court **ORDERS** both parties to appear for an emergency telephonic hearing to adjudicate Plaintiffs’ Motion for Preliminary Injunction on **December 15, 2021 at 3:00 PM CST**. The parties should be prepared to discuss the Fifth Circuit’s order in *Louisiana v. Becerra*.

SO ORDERED.

December 15, 2021.



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE